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Attorney for Plaintiffs  
Automattic Inc. and  
Oliver Hotham

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

AUTOMATTIC INC. and  
OLIVER HOTHAM,

Plaintiffs,

v.

NICK STEINER,

Defendant..

Case No. 3:13-cv-5413-JCS

**DECLARATION OF OLIVER HOTHAM IN  
SUPPORT OF PLAINTIFFS' MOTION FOR  
DEFAULT JUDGMENT AGAINST NICK  
STEINER**

Date: June 27, 2014  
Time: 10:30 am  
Ctroom: G - 15th Floor  
Judge: Honorable Joseph C. Spero

1 I, Oliver Hotham, declare as follows:

2 1. I am a student, blogger, and freelance journalist. I make this Declaration from personal  
3 knowledge, and if called to testify, I could and would testify competently thereto.

4 2. I maintain a blog on WordPress.com at <http://oliverhotham.wordpress.com>.

5 3. In August 2013, I posted an article on my blog regarding an organization called Straight  
6 Pride UK. The URL for the article was [http://oliverhotham.wordpress.com/2013/08/03/](http://oliverhotham.wordpress.com/2013/08/03/its-great-when-youre-straight-yeah/)  
7 [its-great-when-youre-straight-yeah/](http://oliverhotham.wordpress.com/2013/08/03/its-great-when-youre-straight-yeah/). The article included answers to various questions I had asked  
8 Straight Pride UK, and which Nick Steiner sent to me in a "Press Statement," identifying himself as the  
9 "Press Officer" for Straight Pride UK.  
10

11 4. On August 6, 2013, I received a message from Automattic informing me that Straight  
12 Pride UK sent a takedown notice under the Digital Millennium Copyright Act ("DMCA"), claiming my  
13 article infringed its copyright because it had not given me permission to publish the information it sent to  
14 me in its Press Statement.  
15

16 5. Around the same time, Automattic disabled access to the article I posted at  
17 <http://oliverhotham.wordpress.com/2013/08/03/its-great-when-youre-straight-yeah/>.

18 6. I spent substantial time corresponding with Phil Crumm, an Automattic employee, first to  
19 explain that Straight Pride UK had, in fact, given me permission to publish the information in the Press  
20 Statement, and then regarding the counter-notice procedure under the DMCA.  
21

22 7. After Phil Crumm informed me that I would have to agree to go to court if Straight Pride  
23 UK decided to press the issue, I investigated my other options. To date, my lawful post remains  
24 disabled.

25 8. I received two more messages from Automattic informing me that Nick Steiner at Straight  
26 Pride UK had sent two more takedown notices for my articles.

27 9. This whole process has been incredibly upsetting and demoralizing. Since I received  
28

1 notice of the takedown request, I have been fearful that other entirely lawful, but critical articles that I  
2 write may drag me into legal battles. I frequently think twice before posting certain material despite my  
3 full confidence that the law allows me to do so.

4 10. Although I try not to allow these events to affect my journalism, the fear that I might be  
5 censored with no recourse other than expensive litigation, or worse, that I might be pulled into court for  
6 doing my job lawfully expressing my views, is now ever present.

7 11. This situation has affected his decision making process for writing and posting articles  
8 since my article was first disabled.

9 12. This situation has also been substantially harmful to my reputation for journalistic  
10 integrity. Copyright infringement is a very serious issue among journalists and the press, and being  
11 embroiled in a copyright dispute makes it more difficult to find work.

12 13. To date, my article remains disabled due to this copyright dispute. I have received  
13 numerous inquiries and messages asking why the article was taken down and about the situation  
14 surrounding the takedown notice, both by members of the public, and by potential employers.

15 14. I am still a student and I am still forming my reputation as a journalist. This dispute comes  
16 during my formative time as a journalist, and as a result, has had a much more significant impact than it  
17 might have if I were already an established journalist.

18 15. I estimate that my damages from lost time, harmed reputation, and chilled speech amount  
19 to \$5,000.

20 I declare under penalty of perjury under the laws of the United States of America that the  
21 foregoing is to the best of my knowledge and belief true and correct.

22 Executed on May 21, 2014, in London, England, United Kingdom.

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25 \_\_\_\_\_  
26 OLIVER HOTHAM  
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